

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DORAL BANK PUERTO RICO, on Behalf of
Itself and All Others Similarly Situated,

Plaintiff,

v.

WASHINGTON MUTUAL ASSET
ACCEPTANCE CORPORATION; DAVID
BECK; DIANE NOVAK; THOMAS
LEHMANN; STEPHEN FORTUNATO;
DONALD WILHELM WAMU CAPITAL
CORPORATION; MOODY'S INVESTORS
SERVICES, INC.; THE MCGRAW-HILL
COPMANIES, INC.; FIRST AMERICAN
CORPORATION and FIRST AMERICAN
EAPPRAISEIT, LLC,

Defendants.

Case No.: 09-1557 (MJP)

**[PROPOSED] ORDER APPOINTING
DORAL BANK LEAD PLAINTIFF
AND APPROVING ITS SELECTION
OF LEAD COUNSEL**

**[PROPOSED] ORDER APPOINTING DORAL
BANK LEAD PLAINTIFF
No. 09-cv-01557-MJP**

1 **WHEREAS**, putative class member, Doral Bank Puerto Rico (“Doral Bank”), has
2 moved, pursuant to §21D(a)(3) of the Securities Act of 1933, for appointment as lead plaintiff
3 and for approval of Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”) as lead counsel for
4 plaintiff and the Class, and good cause appearing therefore:
5

6 **IT IS HEREBY ORDERED as follows:**

7 1. Doral Bank is the most adequate plaintiff and is appointed as lead plaintiff for the
8 Class in this action (and any subsequently consolidated or related actions) to represent the Class.

9 2. Lead plaintiff’s selection of Cohen Milstein as lead counsel for the Class is
10 hereby approved. The law firm of Cohen Milstein are appointed as lead counsel pursuant to
11 §27(a)(3)(B)(v) of the Securities Act. The law firm Tousley Brain Stephens PLLC is appointed
12 as liaison counsel for the Class.
13

14 3. At the direction of lead plaintiff, lead counsel shall have the authority to speak for
15 all plaintiffs and class members in all matters regarding the litigation including, but not limited
16 to, pre-trial proceedings, motion practice, trial and settlement, and shall make all work
17 assignments in such a manner as to facilitate the orderly and efficient prosecution of this
18 litigation an to avoid duplicative or unproductive effort. Additionally, lead counsel shall have
19 the following responsibilities:
20

21 (a) to brief and argue motions;

22 (b) to initiate and conduct discovery, including, without limitation,
23 coordination of discovery with defendants’ counsel, the preparation of written
24 interrogatories, requests for admission, and requests for production of documents;

25 (c) to direct and coordinate the examination of witnesses in depositions;

26 (d) to act as spokesperson at pretrial conferences;
27

1 (e) to call and chair meetings of plaintiffs' counsel as appropriate or necessary
2 from time to time;

3 (f) to initiate and conduct any settlement negotiations with counsel for
4 defendants;

5 (g) to provide general coordination of the activities of plaintiffs' counsel and
6 to delegate work responsibilities to selected counsel as may be required in such a manner
7 as to lead to the orderly and efficient prosecution of this litigation and to avoid
8 duplication or unproductive effort;

9 (h) to consult with and employ experts;

10 (i) to receive and review periodic time reports of all attorneys on behalf of
11 plaintiffs, to determine if the time is being spent appropriately and for the benefit of
12 plaintiffs, and to determine and distribute plaintiffs' attorneys' fees; and

13 (j) to perform such other duties as may be expressly authorized by further
14 order of this Court.

15 4. Lead counsel shall be responsible for coordinating all activities and appearances
16 on behalf of the Class and for disseminating notices and orders of this Court.

17 5. No motion, application or request for discovery shall be served or filed, or other
18 pretrial proceedings initiated, on behalf of lead plaintiff, except through lead counsel.

19 6. All notices, proposed orders, pleadings, motions, discovery, and memoranda
20 requiring a response in less than 30 days shall be served upon Lead Counsel and defense counsel
21 by the Court's Electronic Case Filing ("ECF") system, overnight mail service, telecopy, and/or
22 hand delivery.

23 7. All other service shall take place by regular mail.

8. Lead counsel for the Class shall be available and responsible for communications to and from the Court.

9. Defendants' counsel may rely upon all agreements made with lead counsel, or other duly authorized representatives of lead plaintiff.

10. This Order shall apply to each case subsequently filed in this Court or transferred to this Court, unless a party objecting to the consolidation of such case or to any other provision of this Order files within ten (10) days after the date upon which a copy of this Order is mailed to counsel for such party, an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

IT IS SO ORDERED.

DATED this ____ day of March, 2010.

UNITED STATES DISTRICT JUDGE
Hon. Marsha J. Pechman

Presented by:

/s// Christopher Lometti
Christopher Lometti (*pro hac vice*)
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/s/ Nancy A. Pacharzina
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**[PROPOSED] ORDER APPOINTING
DORAL BANK LEAD PLAINTIFF
No. C09-1557-MJP**

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